

EXHIBIT **6**
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From: Sharpjfa@aol.com

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To: undisclosed-recipients

Subject: The Death Penalty may be LESS expensive than Equivalent Life Cases - Montana

TO: Governor Brian A. Schweitzer and staff
Montana Legislature and staff
Attorney General's Office
All Montana District Attorneys

Newspapers throughout Montana

"Because of a protracted legal process that can often drag on for more than a decade, it costs far more to put criminals to death than to keep them in prison for life." Attorney General John Conner ("Death penalty called 'broken,' 'costly,' 'crazy' during hearing", Great Falls Tribune, 3/10/07))

That is not necessarily true, as found in other states. Please review:

Cost Comparisons:

Death Penalty Cases Vs Equivalent Life Sentence Cases
 by Dudley Sharp, Justice Matters

In comparing the cost of death penalty cases to other sentences, many of the well known studies are woefully incomplete or inaccurate.

Generally, such studies have one or more of the following problems.

1) All studies exclude the cost of geriatric care, recently found to be \$69,000/inmate/yr. A significant omission from life sentence costs.

2) All studies exclude the cost savings of the death penalty, which is the ONLY sentence which allows for a plea bargain to a maximum life sentence. Such plea bargains accrue as a cost benefit to the death penalty, such benefit being the cost of trials and appeals for that life sentence. The cost savings would be for trial and appeals and would accrue as a cost savings for the death penalty. Depending upon jurisdiction, this may result in a zero net cost for the death penalty, depending on the number of plea bargains Vs the number of death penalty trials, or an actual net cost benefit to the state.

3) a) Some studies compare the cost of a death penalty case, including pre trial, trial, appeals and incarceration, to only the cost of incarceration for 40 years, excluding all trial costs and appeals, for a life sentence. The much cited Texas "study" does this. Obviously, a totally inaccurate cost comparison.

b)1) The pure deception in some cost "studies" is overt. It has been claimed that it costs \$3.2 million/execution in Florida. That "study" decided to add the cost of the entire death penalty system in Florida (\$57 million), which included all of the death penalty cases and dividing that number by only the number of executions (18). One could be equally misleading by dividing the \$57 million by the (estimated) 200 death row cases and stating that ever death row case cost \$285,000. Both would be inaccurate and misleading.

b)2)The Duke University-North Carolina death penalty cost study is a perfect example:

Anti death penalty folks have been deceptively stating that it costs \$2.16 million for an execution in North Carolina. However, what the study really says is that \$2.16 million is the average cost of execution, for all death penalty cases. For example, if 10 people are sentenced to death and only one of those ten is executed and you roll all of the costs for all of those 10 death penalty cases into that 1 execution, you would get an average cost of \$2.16 million per execution.

You could dishonestly do the same thing with LWOP. As soon your first LWOP prisoner died, you could roll all of the LWOP costs, from all other living LWOP cases, and say that it cost \$20 million on average per LWOP. That would be equally inaccurate and misleading.

In reality (read the Executive Summary) the difference in cost between a North Carolina murder conviction with a "life" sentence and a death sentence is \$163,000. See also paragraph 9 Summing up, page 2.(2)

But in the study, a life sentence is only 20 years. You need to add 20-30 years -- or \$500,000 - \$750,000/prisoner -- to get a real life sentence. The authors also concede leaving out geriatric care, recently found to be \$69,000/yr/prisoner.

In other words, what the study actually tells us is that an actual life sentence costs much more than a death sentence.

4) There is no reason for death penalty appeals to take longer than 5-8 years. All death penalty appeals, direct and writ, should travel through the process concurrently, thereby giving every appellate issue 5-8 years of consideration through both state and federal courts. There is no need for endless repetition and delay.

Texas, which leads the nation in executions, takes over 10 years, on average, to execute murderers. The state and federal courts, for that jurisdiction, handle many cases. Texas has the second lowest rate of the courts overturning death penalty cases. Could every jurisdiction process death penalty appeals in 6-8 years.

One more, small example. A death row is completely unnecessary. Just put death sentenced prisoners in existing prisons/cells that already have enhanced security. Missouri does.

5) FCC economist Dr. Paul Zimmerman finds that executions result in a huge cost benefit to society. "Specifically, it is estimated that each state execution deters somewhere between 3 and 25 murders per year (14 being the average). Assuming that the value of human life is approximately \$5 million {i.e. the average of the range estimates provided by Viscussi (1993)}, our estimates imply that society avoids losing approximately \$70 million per year on average at the current rate of execution all else equal." The study used state level data from 1978 to 1997 for all 50 states (excluding Washington D.C.). (1)

That is a cost benefit of \$70 million per execution. 7 additional, recent studies support the deterrent effect. Deterrence report upon request.

No cost study has included such calculations.

Although many find it inappropriate to put a dollar value on life, evidently this is not uncommon for economists, insurers, etc.

We know that living murderers are infinitely more likely to harm and murder, again, than are executed murderers. There is no doubt that executions do save innocent lives. What value do you put on the lives saved? Certainly not less than \$5 million.

Justice

6) The main reason death sentences are given is because jurors find that it is the most just punishment available. No state, concerned with justice, will base a decision solely on cost alone. If they did, all criminal cases would be plea bargained and every crime would have a probation option.

Some believe that we can only duplicate the most horrendously cost abusing death penalty systems. There is another alternative.

While costs can be higher, sometimes much higher, with capital punishment than with life without parole, it isn't required, States need only improve upon the examples of those states which have the most efficient death penalty systems.

The bottom line is that states can have a just death penalty system and not spend more than they currently do on life without parole cases.

It just takes the will of the legislature and the judges.

1). "State Executions, Deterrence and the Incidence of Murder", Paul R. Zimmerman (zimmy@att.net), March 3. 2003, Social Science Research Network

2) [www-pps\(DOT\)aas.duke.edu/people/faculty/cook/comnc.pdf](http://www-pps(DOT)aas.duke.edu/people/faculty/cook/comnc.pdf)

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Mr. Sharp has appeared on ABC, BBC, CBS, CNN, C-SPAN, FOX, NBC, NPR, PBS and many other TV and radio networks, on such programs as Nightline, The News Hour with Jim Lehrer, The O'Reilly Factor, etc., has been quoted in newspapers throughout the world and is a published author.

A former opponent of capital punishment, he has written and granted interviews about, testified on and debated the subject of the death penalty, extensively and internationally.

Pro death penalty sites

[www\(dot\)cjlf.org/deathpenalty/DPinformation.htm](http://www(dot)cjlf.org/deathpenalty/DPinformation.htm)

[www\(dot\)clarkprosecutor.org/html/links/dplinks.htm](http://www(dot)clarkprosecutor.org/html/links/dplinks.htm)

[www\(dot\)dpinfo.com](http://www(dot)dpinfo.com)

[www\(dot\)homicidesurvivors.com](http://www(dot)homicidesurvivors.com)

[joshmarquis\(dot\)blogspot.com/](http://joshmarquis(dot)blogspot.com/)

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[www\(dot\)prodeathpenalty.org/](http://www(dot)prodeathpenalty.org/)

[www\(dot\)yesdeathpenalty.com/deathpenalty_contents.htm](http://www(dot)yesdeathpenalty.com/deathpenalty_contents.htm) (Sweden)

[www\(dot\)wesleylowe.com/cp.html](http://www(dot)wesleylowe.com/cp.html)

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